

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
N/S Saxony Court, 175 ft. E
of Eden Roc Way
1 Saxony Court
3rd Election District
2nd Councilmanic District
Robert D.B. Levenson, et al
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-313-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 11 ft., in lieu of the required 20 ft., and a variance to permit a sum of the side yard setbacks of 47 ft., in lieu of the required 50 ft., for an addition, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

It is, however, to be noted that the placement of the proposed addition will necessitate the relocation of the well which serves this property. The relocation must comply with the Zoning Advisory Committee comments offered by the Department of Environmental Protection and Resource Management.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22 day of April, 1992 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 11 ft., in lieu of the required 20 ft., and a variance to permit a sum of the side yard setbacks of 47 ft., in lieu of the required 50 ft., for an addition, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Prior to the issuance of any building permits, the Petitioners must relocate the well serving this property in accordance with the Zoning Advisory Committee (ZAC) comment from the Department of Environmental Protection and

Resource Management (DEPRM) dated March 6, 1992 which is attached hereto and made a part hereof.

3. After the relocation of the well, as provided above, the Petitioners shall resubmit the plat to accompany the petition for Zoning Variance (Petitioners' Exhibit No. 1) showing the new well location for inclusion in the case file.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 3, 1992

Mr. Robert D.B. Levenson
Ms. Linda A. Gilbert
4 Saxony Court
Baltimore, Maryland 21208

RE: Petition for Residential Zoning Variance
Case No. 92-313-A

Dear Mr. Levenson and Ms. Gilbert:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 897-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 11 ft., in lieu of the required 20 ft., and a variance to permit a sum of the side yard setbacks of 47 ft., in lieu of the required 50 ft., for an addition, as more particularly described on Petitioners' Exhibit No. 1.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

We agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or print name)

(Signature)

Address

City

State

Zip Code

Attorney for Petitioner:

(Type or print name)

(Signature)

Address

City

State

Zip Code

Phone

Legal Owner(s):

(Type or print name)

(Signature)

Address

City

State

Zip Code

Phone

Address

City

State

Zip Code

Phone

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of February, 1992, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.



ZONING COMMISSIONER OF BALTIMORE COUNTY

REVIEWED BY: DATE:

ESTIMATED POSTING DATE: ESTIMATED CLOSING DATE: ITEM #

AFFIDAVIT
IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do/does presently reside at 04 SAXONY COURT, BALTIMORE, MD 21208.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

TO CONSTRUCT A BUILDING ADDITION WHICH MAY BE APPROXIMATELY 11 FEET FROM THE NEIGHBORLY PROPERTY LINE.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Legal Owner(s):
Robert D.B. Levenson
Linda A. Gilbert

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of FEBRUARY, 1992, before me, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared

ROBERT LEVENSON & LINDA GILBERT

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of said Affiant(s) knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: April 1, 1995

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 3-12-92

Posted for: Levenson

Petitioner: Robert D.B. Levenson & Linda A. Gilbert

Location of property: 04 Saxony Court, Baltimore, MD 21208

Location of Sign: Same as property address

Remarks:

Posted by: Linda A. Gilbert Date of return: 3-12-92

Number of Signs: 1



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

Account: R-001-6150
Number

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Amount of the check \$60.00
Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
March 17, 1992
(410) 887-3353

Mr. Robert D. B. Levenson
4 Saxony Court
Baltimore, MD 21208

RE: Item No. 337, Case No. 92-313-A
Petitioner: Robert D. B. Levenson, et al
Petition for Administrative Variance

Dear Mr. Levenson:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

Your petition has been received and accepted for filing this
26th day of February, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Rehbeck Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Robert D. B. Levenson, et al
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: March 10, 1992

FROM: Gary L. Kerns, Chief
Comprehensive and Community Planning
Office of Planning and Zoning

SUBJECT: Connolly Property, Item No. 331
Connolly Property, Item 330
Wagandt Property, Item 345
Wilson Property, Item 344
Dieter Property, Item 342
Levenson Property, Item 337
Bialek Property, Item 340
O'Neill Property, Item 324

In reference to the applicant's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

GLK/JL:rdn
ITEM331/TXTROZ

RECEIVED
MAR 11 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

March 6, 1992

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #337, Zoning Advisory Committee Meeting of
March 10, 1992, Robert D. B. Levenson & Linda A. Gilbert,
N/S Saxony Court, 175' E of Eden Rd Way, D-3, Private Water
and Sewer

COMMENTS ARE AS FOLLOWS:

Any proposed building addition must be a minimum of 30 feet from the water well.

/SSF:rmp

337.ZNG/GWRMP

RECEIVED
MAR 10 1992
ZONING OFFICE

Baltimore County Government
Fire Department
700 East Joppa Road Suite 901
Towson, MD 21204-5500
(301) 887-4500
March 5, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ROBERT D.B. LEVENSON AND LINDA A. GILBERT
Location: #4 SAXONY COURT
Item No.: 337
Zoning Agency: MARCH 10, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: *[Signature]* Noted and
Approved: Fire Prevention Bureau
Planning Group
Special Inspection Division

JF/KEK

RECEIVED
MAR 5 1992
ZONING OFFICE

BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION
Memorandum

TO: Julia Winiarski
Office of Zoning Administration and
Development Management
FROM: A. J. Haley, Deputy Director
Economic Development Commission
DATE: March 4, 1992
RE: Zoning Advisory Comments for Meeting of March 10, 1992

This office has no comment for items 336, 337, 340, 341, 342, 344, 345 and 346.

c: Ken Nohe

RECEIVED
MAR 5 1992
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: April 8, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 10, 1992

This office has no comments for item numbers 336, 337, 340, 342, 344, 345 and 346.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

RECEIVED
APR 9 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: March 13, 1992
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for March 10, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 337, 340, 341, 342, 344, 345 and 346.

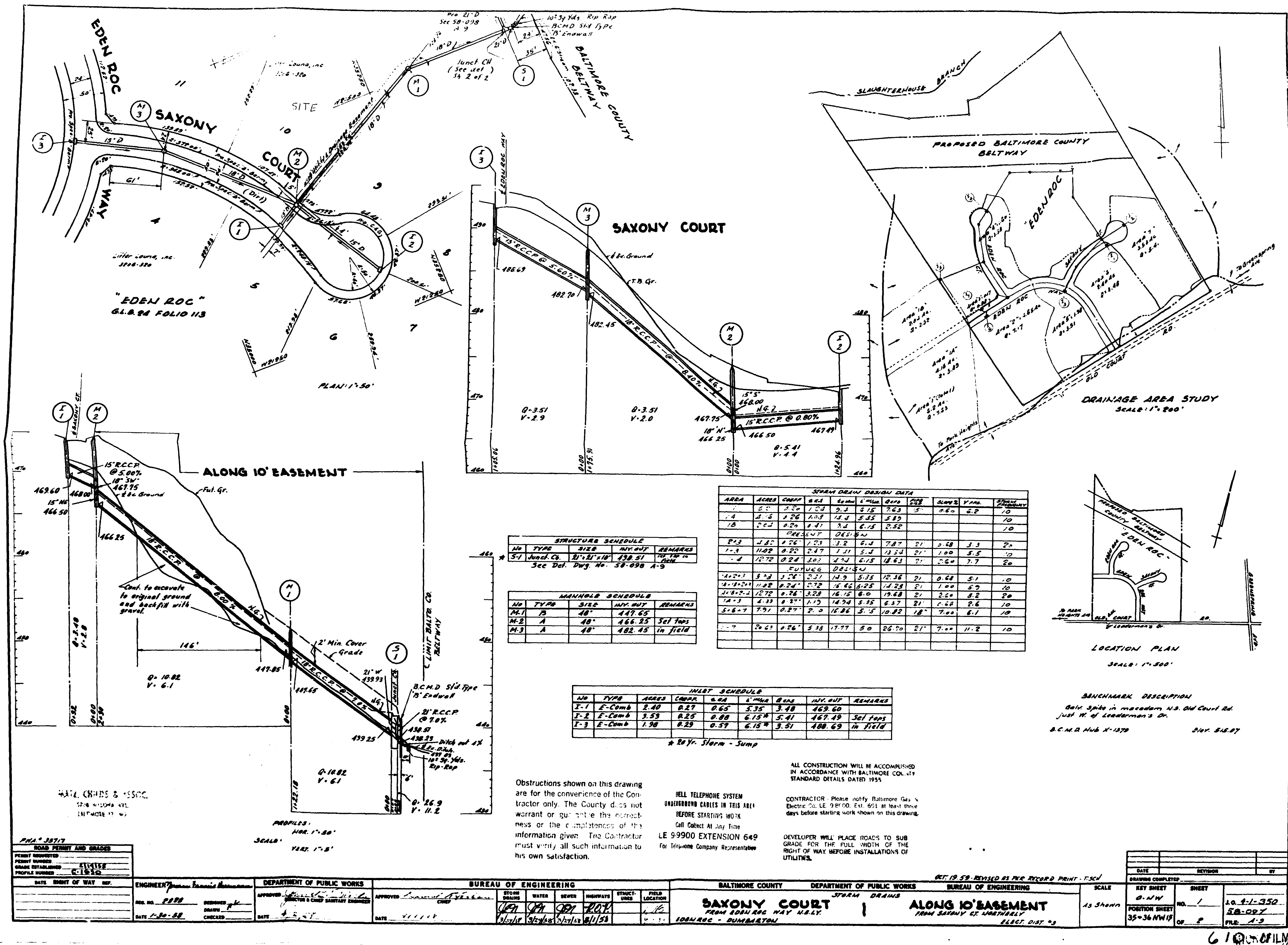
For Item 336, the previous County Review Group Comments still apply.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

RECEIVED
MAR 17 1992
ZONING OFFICE

RECEIVED
2 1992
ZONING COMMISSIONER





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
BARTHSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	PIKESVILLE AREA	N. W. 9-D
DATE OF PHOTOGRAPHY JANUARY 1986		

MICROFILMED